

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 18, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-19614 - APPLICANT/OWNER: A & A, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Plan Review (V-0016-83) and Variance (V-0123-84) shall be required, except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-19616) and Variance (VAR-20139) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 02/05/07, except as amended by conditions herein.
5. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
6. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the addition of at least one van accessible handicap parking space as outlined in Title 19.10.010.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include all landscaping provided in connection with this site.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Landscape and maintain all unimproved rights-of-way, if any, on Sixth Street and Chef Andre Rochat Place adjacent to this site.
15. Submit an Encroachment Agreement for all landscaping, if any, located in the Sixth Street and Chef Andre Rochat Place public rights-of-way adjacent to this site prior to occupancy of this site.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
17. Site development to comply with all applicable conditions of approval for Zoning Reclassification (ZON-19616) and all other applicable site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a major amendment to an approved Site Development Plan Review (V-0016-83) for the addition of 342 square feet to an existing restaurant at 401-403 South Sixth Street. A previous approval (V-0078-78) included a variance to allow the restaurant in an R-4 (High Density Residential) zone. A concurrent rezoning (ZON-19616) application will be considered to rezone the site to a C-1 (Limited Commercial) zone so that the existing use will be in conformance with the current zoning requirements. Further a variance (VAR-20139) will be heard to allow a proposed 11 parking spaces where 72 parking spaces are required.

The applicant indicates a wish to upgrade the site of the existing restaurant use by removing the temporary storage unit currently on site and making the requested permanent additions to deal with the restaurants storage needs. Further, it is the applicant's intention to upgrade the entry landscaping and resurface areas of the on-site parking. Due to the extent of the requested variance, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/26/78	The Board of Zoning Adjustment approved a Variance (V-0078-78) to allow a 50-seat restaurant in a residential zone where it would not otherwise be permitted.
09/27/79	The Board of Zoning Adjustment approved a Variance (V-0066-79) to allow a 22 space parking lot in a residential zone for the restaurant on this subject site. Staff recommended approval.
04/28/83	The Board of Zoning Adjustment approved a Variance (V-0016-83) to allow an addition to extend to the north side property line where a five-foot setback was required and a patron parking lot in a residential zone for the restaurant on this subject site. Staff recommended approval.
11/15/84	The Board of Zoning Adjustment approved a Variance (V-0123-84) to allow an addition to extend to the north side property line where a five-foot setback was required, a patron parking lot in a residential zone, and 46 parking spaces where 55 were required for the restaurant on this subject site. Staff recommended approval.
07/25/85	The Board of Zoning Adjustment approved a Variance (V-0050-85) to allow a 20 square foot illuminated wall sign and two 2 square foot directional signs where only a single 2 square foot non-illuminated sign was permitted for the restaurant on this subject site. Staff recommended approval.
03/22/07	The Planning Commission recommended approval of companion item ZON-19616 and denial of VAR-20139 concurrently with this application. The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #30/rts).

<i>Related Building Permits/Business Licenses</i>	
07/06/93	A business license for a L16 (Tavern - a tavern license authorizes the sale of alcoholic beverages for consumption on the premises and the retailing of alcoholic beverages in original sealed or corked containers for consumption off the premises. In brief, this is a bar license and a package liquor license) category license was re-classified from a L04 category license (L04-00209) by the Department of Finance and Business Services. This license (L16-00150) was subsequently issued by Business Services on 01/03/02 with no apparent Planning and Development review.
02/06/97	A business license for a R09 (Restaurant: Seating 45 or more - an establishment providing preparation and retail sale of food & beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses) category license was re-classified from a R07 category license (R07-00222) by the Department of Finance and Business Services. This license (R09-00767) was subsequently issued by Business Services on 01/03/02 with no apparent Planning and Development review.
12/27/00	A business license for an A01 (Administrative Office Space - an office location in which specific administrative functions of a business are conducted apart from the primary business location) category license was processed in by the Department of Finance and Business Services. This license (A01-01106) was issued by Business Services on 01/04/01 with no apparent Planning and Development review. This license has been marked out of business as of 10/21/05.
<i>Pre-Application Meeting</i>	
01/11/07	A pre-application meeting was held and elements of this application were discussed. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant, 2000 sq. ft. or more (without Drive-Through) and Liquor Establishment (Tavern)	C (Commercial)	R-4 (High Density Residential)

North	Office, Other Than Listed	C (Commercial)	P-R (Professional Office and Parking)
South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
East	Office, Other Than Listed	C (Commercial)	R3 (Medium Density Residential) under Resolution of Intent to C-1 (Limited Commercial)
West	Government Facility	PF (Public Facility)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	n/a	15,260 SF	Y
Min. Lot Width	100 Feet	109.25 Feet	Y
Min. Setbacks			
• Front	20 Feet	33 Feet	Y
• Side	10 Feet	35.75 Feet	Y
• Corner	15 Feet	5 Feet	N*
• Rear	20 Feet	22 Feet	Y
Max. Lot Coverage	50%	34.37%	Y
Max. Building Height	n/a	2 Stories	Y
Trash Enclosure	Screened	Existing	Y
Mech. Equipment	Screened	Existing	Y

- * Per the approved Site Development Plan Review (V-0016-83) relief from the city standards for the corner side setback was granted.

Pursuant to Title 19.10 and Title 19.12, the following landscaping standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree / 6 Spaces	2 Trees	0 Trees	N*
Buffer: Min. Trees	1 Tree / 30 Linear Feet	17 Trees	3 Trees	N*
TOTAL		19 Trees	3 Trees	N*
Min. Zone Width	15 Feet – ROW		5 Feet	N*
	8 Feet – Interior Lot Lines		0 Feet	N**
Wall Height	n/a		Existing	Y

* Per the approved site plan from Site Development Plan Review (V-0016-83), Planning and Development was to approve landscaping prior to the issuance of building permits; however there is no plan available in order to verify what was approved at that time.

** A site visit indicated that there are trees along the interior lot line at the southern end of the property. A condition has been added that, if approved, the applicant is to include all proposed and existing landscaping when submitting the technical landscape plan, which is due prior to the issuance of any building permits.

Pursuant to Title 19.04 and Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Restaurant, 2000 sq. ft. or more (without Drive-Through) and Liquor Establishment (Tavern)	3,000 SF Seating/Waiting Area 2,246 SF BOH	1 Space / 50 SF of Seating/Waiting Area and 1 Space / 200 SF of total remaining GFA	69 Spaces	3 Spaces	11 Spaces	0* Spaces	N
TOTAL (including handicap)	5,246 SF		72 Spaces		11 Spaces		N**
Percent Deviation					≈ 84.72% Reduction		

Loading Spaces	5,246 SF	1 Space @ < 10,000 SF	1 Space	1 Space	Y
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* A condition has been added that if approved the applicant must provide a revised site plan that depicts a van accessible handicap parking space per Title 19.10.010.

** If approved the companion Variance (VAR-20139) would allow 11 parking spaces where 72 parking spaces are the minimum required.

<i>Comparison of the Parking Approvals for this Site Over Time</i>				
	<i>Previously Approved</i>			<i>Proposed</i>
	<i>V-0078-78</i>	<i>V-0066-79</i>	<i>V-0123-84</i>	<i>VAR-20139</i>
Parking Required	Not Specified	25 Spaces	55 Spaces	72 Spaces
Parking Allowed	Tandem Parking w/ Valet During all Bus. Hrs.	24 Spaces	46 Spaces	11 Spaces
Percent Deviation	n/a	4.00% Reduction	≈ 16.36% Reduction	≈ 84.72% Reduction

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. This category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The existing building is currently used for a restaurant with a tavern license. The proposed expansion of the building to add 342 square feet of storage space is in compliance with the C (Commercial) designation.

The existing R-4 (High Density Residential) zoning is not compatible with the existing use; however, a Site Development Plan Review (V-0016-83) permitted this variance from code. To bring the zoning into compliance with the General Plan and the existing restaurant use a concurrent rezoning (ZON-19616) request is slated to be heard. The proposed C-1 (Limited Commercial) zoning district is intended to provide most retail shopping and personal services. The use established at this location is permissible in a C-1 (Limited Commercial) zoning district which is compatible with the C (Commercial) General Plan designation. Staff is recommending approval of the companion rezoning (ZON-19616) request as it will allow this site to be brought into conformance with the General Plan.

The site encompasses two parcels with existing buildings built across the lot lines. Additionally, should the parcels in the future become separate sites the site will be placed out of conformance with development standards for the C-1 (Limited Commercial) zoning district. For this reason a condition has been added that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

The site of the restaurant expansion, an added 342 square feet of storage space, has previously required several deviations from development standards and currently includes an updated variance (VAR-20139) for parking which is also being heard concurrently with this item. Staff is recommending denial on the variance due to the self-imposed hardship generated by the project exceeding the capacity of the site and scope of the earlier approvals for this site.

- Site Plan

The site lies at the southeast corner of South 6th Street and Chef Andre Rochat Place. This is an existing restaurant with a tavern license use that is proposing to add 342 square feet of storage area to replace an old temporary storage unit currently on-site.

The expansion of the building along with the current use calculations brings the required parking up to 72 parking spaces. In the most recent variance (V-0123-84) approval the parking was allowed at 46 spaces where 55 had been required, an approximate 16.36 percent reduction. The submitted site plan indicates 11 spaces will be provided, with no handicap spaces depicted. A condition has been added that a revised site plan depicting at least one van accessible space be provided to and approved by the Planning and Development Department prior to the issuance of any building permits. As noted above, a variance (VAR-20139) has been requested for an approximate 84.72 percent reduction in the number of required parking spaces and if approved would grant relief from the city standards.

Other than the reduction of parking spaces due to the removal of the secondary parking location, the site remains the same as previously approved in 1983, 1984, and 1985. There are changes to the landscape area in the front courtyard that will adjust where a couple of the trees will be located.

- Landscape Plan

The Site Development Plan Review (V-0016-83) case that approved the updated siting and zoning variance for this restaurant called for landscaping predominately along the rights-of-way as encroachments within the rights-of-way. That approval did require that landscaping be approved by the Planning and Development Department with the submittal of a landscape plan prior to permits or licenses were issued. There exists landscaping on-site at the interior perimeter along the southern property line that is not called out on the submitted plans. Submittal of a technical landscape plan is a condition of approval for this project and must show all landscaping. Under the current development standards the perimeter landscape buffer requirement would be a 15-foot wide buffer with a minimum 24-inch box tree planted every 30 feet on center at the rights-of way and an eight-foot wide buffer with a minimum 24-inch box tree planted every 30 feet on center along the interior property lines. The site as developed would not be able to meet the current perimeter landscaping standards.

- Elevations/Floor Plan

The building elevations depict a two story building of a Mediterranean design. The building fronts towards South 6th Street with a courtyard in the front of the building. There is to be a new decorative wall at the front of the courtyard to partial screen this area from the street.

The floor plan indicates that the two added areas will be for storage and are accessed from the exterior of the restaurant. The additional 342 square feet of space will not impact the waiting or seating area available and takes the place of an existing storage trailer.

The development has exceeded the intensity that was approved for this site by not developing the adjoining site for parking while making the previously requested addition to the restaurant. This has necessitated the need for the companion variance and resulted in a failure to meet the most recent conditions of approval. Due to the intensity and the requested deviation from the parking standards, staff is recommending denial of this application.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is not compatible with adjacent development in the surrounding area due to the increased intensity of the deviations from parking standards over previous approvals.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

This proposed site plan is in compliance with the general plan designation of C (Commercial) and the proposed C-1 (Limited Commercial) zoning district on the site. However, the site is not consistent with Title 19.10 and Title 19.12 landscaping requirements. Further, the proposed site plan requires approval of a variance for a deviation of the parking standards.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The subject site is adjacent to South 6th Street, an 80-foot wide local street that should be adequate to support the proposed use.

4. **Building and landscape materials are appropriate for the area and for the City;**

The building elevations depict design and materials that provide an acceptable building and are compatible with the surrounding commercial developments.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The existing restaurant use is compatible with other development in the area from a building elevation, design characteristics and aesthetic features point of view.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The existing restaurant use is subject to regular building and business licensing inspections and therefore should not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 106 by Planning Department

APPROVALS 0

PROTESTS 0